

2018 (Docket Entry No. 1). On November 13, 2018, this Court granted Plaintiff's Motion to Remand and found that The Court can discern no objectively reasonable basis for Defendant Lebreton's attempts to remove this case to federal court years after the deadline for removal. Therefore, Plaintiff is entitled to an award of costs and attorney's fees under 28 U.S.C. § 1447(c). *Garrett v. Cook*, 652 F.3d 1249, 1253–54 (10th Cir. 2011); *Porter Trust v. Rural Water Sewer & Solid Waste Mgmt.*, Dist. No. 1, 607 F.3d 1251, 1253 (10th Cir. 2010)." (See entered Order to Remand filed November 14, 2018; (Doc. No. 11).

Since Defendant Laurence Lebreton first contacted Plaintiff's Counsel regarding her intent to Remove this case on August 20, 2018, Plaintiff's counsel has expended three hours at the rate of \$350 an hour attending to Remanding this case. *See* Affidavit Jason C. Bousliman attached hereto as Exhibit A.) For the foregoing reasons, Plaintiff, Wilmington Trust National Association, as successor trustee to Citibank, N.A., as Trustee of Structured Asset Mortgage Investments II Trust 2007-AR3, Mortgage Pass-Through Certificates, Series 2007-AR3, respectfully requests that the Court grant this motion for attorney's fees in the amount of \$1,050, as against Defendant in an amount based on the attached affidavit; and impose sanctions against Defendant sufficient to deter future frivolous behavior on her part.

Respectfully submitted,

WEINSTEIN & RILEY, P.S.

By: /s/ Jason Bousliman

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Attorney for Plaintiff Wilmington Trust National Association, as successor trustee to Citibank, N.A., as Trustee of Structured Asset Mortgage Investments II Trust 2007-AR3, Mortgage Pass-Through Certificates, Series 2007-AR3

Exhibit A

Jason Bousliman

Attorney fee entries for Lebreton Motion to remand

8/30/18 .1 Review email correspondence from Laurence Lebreton with regard to amount of claim exceeding \$75,000. Forward to client with analysis relating to possible untimely removal.

9/4/18 .1 Email correspondence with client and prior counsel regarding substitution of counsel relating to pending motion for removal.

9/4/18 .1 Review Pro-Se Notification form by Laurence L Lebreton electing to receive electronic notification. Send to client.

9/4/18 .1 Review Pro-Se Notification form by Laurence L Lebreton electing to receive electronic notification and Judge Steven C. Yarborough assignment. Send to client.

9.5.18 .1 Email with client regarding filing motion to remand and briefing schedule.

9/28/18 .1 Email with client regarding motion to remand issues and relation back to the underlying state court matter.

9/28/18 .3 Call with client regarding motion to remand.

9/30/18 .5 Review motion to remand and prepare for filing.

10/1/18 .2 Final review of motion to remand. Send motion for filing and service on Lebreton. Update to client and calendar.

10/3/18 .1 Review motion to clarify filed by Lebreton. Send same to client.

11/6/18 .1 Review Notice of Completion of briefing filed by Laurence Lebreton.

11/6/18 .1 Review Motion for judgment on the pleadings. Send same to client.

11/7/18 .1 Email with client and prior counsel regarding motion to remand and motion for judgment on the pleadings.

11/8/18 .1 Email correspondence with client concerning pending motions in Federal Court.

11/12/18 .5 Draft detailed litigation plan for Lebreton with regard to pending motion for remand and MJOP.

11/14/18 .2 Review draft motion for extension of time to respond to the MJOP and motion to seal. Send for filing.

11/14/18 .2 Review Order by Judge Parker granting motion to remand. Send same to client with analysis.

11/21/18 .2 Compile attorney fee entries relating to motion to remand per the Order entered 11/14. Send same to client.

Total Attorney Fee time for Jason Bousliman relating to Motion to Remand=3.0 hours x\$350 per hour =\$1,050